

PASICH^{LLP}

Kirk Pasich (SBN 94242)
KPasich@PasichLLP.com
Owen Monkemeier (SBN 336476)
OMonkemeier@PasichLLP.com
PASICH LLP
10880 Wilshire Blvd., Suite 2000
Los Angeles, California 90024
Telephone: (424) 313-7860
Facsimile: (424) 313-7890

Attorneys for Defendant
and Counter-Claimant

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NEW YORK MARINE AND
GENERAL INSURANCE
COMPANY, a New York
corporation,

Plaintiff,

vs.

AMBER HEARD,

Defendant.

AND RELATED COUNTERCLAIM

Case No. 2:22-cv-4685-GW (PDx)

Hon. George H. Wu,
Courtroom 9D

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS**

Date: October 12, 2023
Time: 8:30 a.m.
Dept.: 9D

Complaint Filed July 8, 2022

NOTICE IS HEREBY GIVEN THAT on October 12, 2023, at
8:30 a.m. or as soon thereafter as the matter may be heard in Courtroom
9D of this Court, located at 350 W. 1st Street, Los Angeles, California
90012, defendant and counterclaimant Amber Heard will, and hereby

1 does, move this Court for an order to dismiss this action pursuant to
2 Federal Rule of Civil Procedure 12(b)(1).

3 This motion is made, pursuant to Federal Rule of Civil Procedure
4 12(b)(1), on the grounds that the Court lacks subject matter jurisdiction
5 under Article III of the Constitution and statutory authority to grant
6 relief under the Declaratory Judgment Act, 28 U.S.C. § 2201, because
7 there is no longer an actual controversy between the parties. This motion
8 is based on this Notice, the Memorandum of Points and Authorities in
9 Support thereof, the Declaration of Kayla Robinson, the complete files
10 and records in this action, such evidence as may be presented at the
11 hearing on this motion, and other matters upon which this Court may
12 take judicial notice.

13 This motion is made following the conference of counsel pursuant to
14 L.R. 7-3 which took place on August 18, 2023.

15 DATED: September 6, 2023

PASICH LLP

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17 By: /s/ Owen Monkemeier

Owen Monkemeier

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19 Attorneys for Defendant and
20 Counter-Claimant
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